

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Keith Wade,)	Case No. 0:24-cv-04101-DCC
)	
Petitioner,)	
)	
v.)	ORDER
)	
Warden Napier,)	
)	
Respondent.)	
)	

Petitioner, a federal prisoner proceeding pro se, is seeking habeas corpus relief pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation (“Report”). On October 7, 2024, Respondent filed a motion to dismiss. ECF No. 13. Petitioner filed responses in opposition, Respondent filed a reply, and Petitioner filed a sur-reply. ECF Nos. 14, 15, 16. On January 24, 2025, the Court issued an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), and an order allowing the parties to supplement their filings. ECF Nos. 17, 18. Respondent filed a supplement. ECF No. 20. On March 6, 2025, the Magistrate Judge issued a Report recommending that the motion be granted and the petition be dismissed. ECF No. 22. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious

consequences for failing to do so. Petitioner has not filed objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

Upon review of the Report, the record, and the applicable law, the Court finds no clear error and adopts the recommendation of the Magistrate Judge. The motion to dismiss [13] is **GRANTED** and the petition is **DISMISSED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

May 22, 2025
Spartanburg, South Carolina